



Ohio Administrative Code

Rule 3745-40-06 Beneficial use site authorizations for class B biosolids.

Effective: [March 1, 2026](#)

(A) Authorization for a beneficial use site. Prior to the beneficial use of class B biosolids, a permittee shall obtain written notice of authorization to beneficially use class B biosolids at a proposed beneficial use site from the director or an authorized representative pursuant to the permittee's NPDES permit or approved biosolids management permit.

(1) The permittee shall apply for a written authorization to beneficially use class B biosolids at a proposed beneficial use site on forms approved by the director. The approved forms request, at a minimum, the following for each site:

(a) The permittee's name, address, telephone number, email address, NPDES permit number or biosolids management permit number, contact person and signed certification statement.

(b) The name, address, contact information, and signed certification statement for the beneficial use site owner of the site.

(c) The name, address, contact information, and signed certification statement for the beneficial use site operator of the site.

(d) The name, address, contact information, certified beneficial user number, and signed certification statement for the beneficial user of the site.

(e) Beneficial use site information including, but not limited to, all of the following:

(i) The beneficial use site location, acreage of the proposed site, and type of beneficial use to be performed.

(ii) Soil monitoring results, crop information, soil types including hydrologic soil group, months soils are prone to flooding, and ground slope.



(iii) As applicable, the location of surface waters of the state, sinkholes or underground injection control class V drainage wells, occupied structures, schools, medical care facilities, potable water supplies and water systems on each proposed beneficial use site and within one thousand feet of the site.

(iv) The history of the beneficial use of biosolids at each proposed beneficial use site.

(v) Maps that show , at a minimum, all of the following:

(a) The soil types.

(b) Site entrances.

(c) Applicable isolation distances in accordance with rules 3745-40-07 and 3745-40-08 of the Administrative Code.

(d) Field tile outlet locations.

(e) Potential locations of biosolids field storage areas.

(f) The floodplain.

(g) Groundwater vulnerability.

(vi) A copy of the most recent soil test results that are less than three years old.

(vii) Any other information requested by the director or an authorized representative.

(2) At a minimum, the isolation distances and site specific requirements contained in rule 3745-40-08 of the Administrative Code will be considered to determine the suitability of a site for the beneficial use of biosolids.



(3) The director or an authorized representative will notify the permittee in writing as to whether the site is authorized for the beneficial use of class B biosolids pursuant to the permittee's NPDES permit or approved biosolids management permit. Ohio EPA will strive to issue this notification within twenty business days of receipt of a completed application. A site authorization will include a site identification number and may include conditions to protect public health and the environment and to prevent creation of nuisance odors.

(4) Ohio EPA will maintain a map that includes each site authorized for the beneficial use of class B biosolids and make the map available on Ohio EPA's biosolids website.

(B) Biosolids shall be beneficially used at a site in accordance with this chapter, the permittee's NPDES permit or approved biosolids management permit, and the conditions stated in the notice of authorization of the specific beneficial use site.

(C) Authorization to beneficially use biosolids at a site is only valid for the treatment works that are owned by the same permittee who signs the beneficial use site authorization application form approved by the director.

[Comment: For example, a municipality that has two different NPDES permitted treatment works would be authorized to beneficially use biosolids from either treatment works at a single beneficial use site.]

(D) Authorized beneficial use site transfer. Any permittee who wishes to transfer an authorized beneficial use site from one permittee to another permittee shall make the request on forms approved by the director, provide additional information if requested by the director or an authorized representative, and obtain written notice from the director or an authorized representative that the transfer is authorized prior to beneficial use at the authorized beneficial use site.

(E) Amending an authorized beneficial use site. Prior to amending the acreage for a currently authorized beneficial use site or reducing an isolation distance from an occupied structure, a permittee shall request the change on forms approved by the director, provide additional information if requested by the director or an authorized representative, and receive written notice from the director or an authorized representative that the amendment to the beneficial use site acreage or



reduction of the isolation distance is authorized.

(F) Re-certification of beneficial use site criteria. The permittee, or as applicable, the beneficial user, shall certify that prior to beneficial use or field storage at a beneficial use site, each authorized beneficial use site was evaluated for changes at or near the authorized beneficial use site.

(1) Changes to evaluate include, but are not limited to, all of the following:

(a) The addition of occupied structures, schools, private potable water sources within three hundred feet, or medical care facilities within one thousand feet of the site.

(b) The addition or change in the sanitary isolation distance of a public water system, the emergency management zone of a public water system, the inner management zone of a community or non-transient, non-community public water system, or a drinking water well for a transient, non-community public water system.

(c) The addition of, or change in, subsurface tile drainage.

(d) Changes in the food crops grown at the site.

(e) Change of site owner, beneficial use site operator, or beneficial user.

(2) If no changes have occurred at or near the authorized beneficial use site since the site was authorized, the permittee and, as applicable, the beneficial user shall certify that no changes were made by submitting the recertification form approved by the director with the annual sludge report or other report specified by Ohio EPA.

(3) If any changes have occurred at or near the authorized beneficial use site since the site was authorized, the permittee and, as applicable, the beneficial user shall comply with the applicable site restrictions in this chapter of the Administrative Code and report the changes by submitting the recertification form approved by the director with the annual sludge report or other report specified by Ohio EPA.



(G) Deauthorizing an authorized beneficial use site.

(1) An authorized beneficial use site may be deauthorized at the request of the permittee, the beneficial use site owner, the beneficial use site operator, or the beneficial user.

(2) An authorized beneficial use site may be deauthorized by the director for any of the following causes:

(a) The director finds that there has been a violation of a law, rule, or permit or other authorization issued pursuant to Chapter 3704., 3734., or 6111. of the Revised Code or the rules adopted thereunder, or any other applicable environmental laws and regulations.

(b) The director has determined that a nuisance, or an adverse impact to public health, safety, or the environment has been caused or may be caused by the beneficial use of biosolids at the site.

(c) The director has determined that information submitted as the basis for the director's decision to authorize the site was incomplete, incorrect, or is no longer valid.

(d) The director has determined that the site no longer meets the criteria for authorization.

(3) The permittee will be notified of the proposed deauthorization and reasons for such proposed deauthorization. Except for deauthorizations of sites at the request of the permittee, the director will afford a prompt hearing to any permittee whose authorized beneficial use site the director proposes to deauthorize and who requests such a hearing, in accordance with the provisions of the rules of procedure, Chapters 3745-47 and 3745-49 of the Administrative Code.